
Crime Commission Update

<http://www.ncc.ne.gov>



Dave Heineman, Governor

Nebraska Commission on Law Enforcement and Criminal Justice

February 2007

DIRECTOR'S COMMENTS

The Commission has recently completed and printed an informational pamphlet that describes the functions and responsibilities of all our divisions, as well as our statutory duties. I think this pamphlet will be helpful in describing what our agency does, and we will be distributing printed copies as necessary.

I would like to direct you to our website (www.ncc.ne.gov) to find an electronic version of this pamphlet and a link to a printable version. Look on our website's cover page under 'Quick References'.

Also, I would like to welcome Mike Moser, Mayor of Columbus, who was recently appointed by Governor Heineman to serve on the Crime Commission Governing Board. I look forward to working with Mr. Moser, and I am sure his involvement will prove valuable to the other members of the Commission.

Lastly, elsewhere in this newsletter is a listing of some of the legislative bills introduced in the Unicameral this year that affect our criminal justice system. If you have an interest in these or any other legislation, I recommend the use of the Legislature's website (www.nebraskalegislature.gov) for an excellent resource on the status of current legislation, hearing dates, statutory references, and a wealth of other information.

- Michael E. Behm
Executive Director

2007 CJIS TECHNOLOGY CONFERENCE

The eighth annual CJIS Technology Conference will be held in North Platte on March 7 - 8, 2007. The conference will feature pre-conference sessions the morning of the 7th followed by a full agenda. This is targeted at agency heads, technical staff and line personnel working with technology but is open to all criminal justice professionals. There is no charge to attend but you must pre-register to be guaranteed a spot, lunch and materials.

The agenda and online registration will be available on the Crime Commission's website (www.ncc.ne.gov). Participants will need to make their own hotel reservations at the Sandhills Convention Center and should say they are with the Crime Commission meeting to get the group rate.

STATE PATROL CAPTAIN HONORED



Captain Jim Parish, of the Nebraska State Patrol's Troop D in North Platte, has been named 2006 Law Enforcement Officer of the Year by the American Legion.

Parish is a 30-year veteran of the State Patrol, joining in 1977. He was promoted to captain of Troop D in 1996. He also has a long history of community involvement and recently was elected to the North Platte City Council, representing Ward 2. He is married with four children.

Parish is the fourth State Patrol member to be honored, joining retired investigator Mike Riley, 1997; Trooper Bill Price, 2003; and Sergeant Gerald Sieck, 2004.

ENFORCING UNDERAGE ALCOHOL LAWS

Statewide Training Offered

Project Extra Mile, in collaboration with the Nebraska Office of Highway Safety, the Nebraska Crime Commission, and the Law Enforcement Training Center, will hold a statewide Law Enforcement Training focusing on youth alcohol enforcement operations in the coming months. This training will mark the second statewide training on enforcing underage alcohol laws.

The training is geared toward representatives from law enforcement agencies and prosecutors that work directly on the issue and who would be willing to share information from the training with others.

“This is the most comprehensive training this state has ever provided on enforcing underage drinking laws,” said Michael Behm, Executive Director of the Crime Commission. “The two-day training will help key players gain a better understanding of the administrative procedures and overall protocols of enforcing underage drinking.”

Training topics to be covered will include information on alcohol compliance checks, selective/party patrol enforcements, large party crowd dispersal, source investigations, the criminal and administrative process and building the case for youth alcohol violations, and the value of community support for enforcement efforts.

National trainers include Lt. Eddie Edwards, Chief of Enforcement for New Hampshire’s Liquor Commission and R.J. Elrick, Director of the Vermont Police Academy.

“Both Eddie and R.J. work with and come highly recommended by the Office of Juvenile Justice and Delinquency Prevention and the Pacific Institute for Research and Evaluation’s Underage Drinking Enforcement Training Center,” said Diane Riibe, Executive Director, Project Extra Mile.

“We know that in order to be successful at preventing underage drinking, we must all work collaboratively, pooling resources and strategies,” said Fred Zwonechek, Administrator of NOHS. “Law enforcement in Nebraska has a tremendous commitment to this issue, and we’re pleased to support this joint effort at training. Ultimately, lives will be saved.”

There is no registration fee for the training, and registration forms can be accessed on the Project Extra Mile website at www.projectextramile.org. NOHS will reimburse agencies for transportation and lodging expenses (a training mini-grant application can be accessed on the agency’s website at <http://www.dmv.state.ne.us/highwaysafety/grants/mgd.html>). Interested participants may also contact Project Extra Mile at (402) 963-9047 or via e-mail at diane@projectextramile.org for more information.

Training Schedule

Sarpy County

February 26-27, 2007

La Vista Police Department, Community Room

Grand Island

February 28-March 1, 2007

Nebraska Law Enforcement Training Center

Scotts Bluff County

March 2-3, 2007

Gering Civic Center

VIOLENT CRIME RATES INCREASE DURING FIRST HALF OF 2006

Incidents of violent crime rose for the second straight year, according to new statistics from the *FBI Uniform Crime Report*.

The preliminary statistics for January – June 2006 show that homicides, assaults and other violent offenses were up nearly 4 percent compared with the same time frame in 2005. This latest jump comes on the heels of a 2.5 percent increase in violent crime in 2005.

The statistics showed that the number of robberies nationwide increased 9.7 percent and was up in all communities, but the largest increase, 12.8 percent, was seen in cities with populations of 10,000-24,999. Reported robberies also increased in metropolitan counties where they were up 8.4 percent.

In addition, murder rates rose 1.4 percent across the country with the biggest increase seen in cities with populations of 500,000 to 999,000. In those cities, homicides were up 8.4 percent. However, unlike in 2005 when homicide rates rose throughout the country, this time many small and medium sized cities saw decreases in their rates. The increases were mainly confined to larger cities.

In addition to increases in robberies and murders, incidents of aggravated assault also rose 1.2 percent. Reports of rape, however, dropped slightly by less than 0.1 percent.

While violent crime rose, incidents of property crime mostly fell. Larceny-theft offenses dropped 3.8 percent nationwide and motor vehicle thefts decreased 2.3 percent. Only the Midwest saw increases in property crime rates, up 1.7 overall.

Burglary was the only property crime to see an uptick, of 1.2 percent. In addition, incidents of arson, which are tracked separately from other property crimes, rose 6.8 percent nationwide.

-Reprinted from NCJA Justice Bulletin, published by the National Criminal Justice Association

2007 LEGISLATIVE SESSION REVIEW

Following are some of the legislative bills introduced during the 2007 Legislature which affect the criminal justice system in Nebraska.

The unicameral website address is www.nebraskalegislature.gov.
Information on all bills introduced in 2007 can be found on that website.

- **LB 143** (McDonald, 2 others) Prohibits a law enforcement officer or prosecuting officer from asking or requiring a victim of a sex offense to submit to a polygraph examination as a condition for proceeding with the investigation of such offense.
- **LB 179** (Lathrop) Requires electronic recording of custodial interrogations.
- **LB 428** (Synowiecki, Cornett, McGill, 3 others) Known as the Peace Officer Employer-Employee Relations Act. Prescribes certain procedural rights for peace officers, particularly when they are placed under formal investigation or interrogation by their employer.
- **LB452** (Burling, Wallman) Appropriates \$200,000 in general funds in each of the next two fiscal years to the Crime Commission to provide grants to develop and support drug abuse prevention and education programs. The grants are to be awarded on a competitive basis to cities, schools, or nonprofit organizations. The programs receiving funds shall focus on elementary-aged children and shall aim at preventing such children from using illegal drugs.
- **LB 467** (Chambers) Grants the State Ombudsman certain authority with respect to county correctional and jail facilities. The authority of the deputy public counsel for corrections now covers the institutions operated by the Department of Corrections. LB 467 extends this authority to all county correctional or jail facilities.
- **LB 470** (Chambers) Pertains to criminal history records and removal of arrest data from the public record – i.e. arrest data that is part of a public record shall be removed after a certain time period for arrests where no charges were filed, or where charges were dismissed, or where a pre-trial diversion program was completed.
- **LB 474** (Chambers) Grants public access to any disciplinary action involving police chiefs, police officers, town marshals, sheriffs, the Superintendent of the State Patrol, State Patrol officers, carrier enforcement officers, Game and Parks conservation officers, school teachers, school principals, and school nurses.
- **LB 532** (Nantkes) Expands the membership of the Police Standards Advisory Council. The current membership is seven. LB 532 adds an eighth member who shall be a law enforcement officer with the rank of sergeant or below.
- **LB 540** (Synowiecki, Cornett, Howard, Pedersen, 7 others) Known as the Probation and Parole Services Merger Act. The intent of LB 540 is to develop a probation and parole merger plan for the State of Nebraska. A ten member commission, known as the Probation and Parole Merger Commission is created. The Governor and the chairperson of the Judiciary Committee each designate one person to develop a probation and parole merger plan. Such plan is to be submitted to the Governor and the Legislature no later than December 1, 2007. The Merger Commission shall review the merger plan and shall provide recommendations relating to the plan on or before December 14, 2007.

- **LB 587** (Cornett, Dubas, 3 others) Removes limits on state aid for county jail reimbursement. Current limit is \$3,910,000 per year.
- **LB 622** (Pirsch) Requires training courses in public records and the Open Meetings Act for all members of a public body, public officers, and public employees. The Attorney General shall approve any training course offered by a governmental agency or any other entity. The Attorney General shall make at least one approved training course available on a widely accessible medium (e.g. the internet) at no cost.
- **LB 669** (Hudkins, Avery, Pedersen) Creates the Nebraska Behavioral Health Jail Diversion Planning and Coordination Advisory Council (22 members). The purpose of the Council is to assist Nebraska's six behavioral health regions and counties in establishing, improving, and evaluating behavioral health jail diversion programs.

LB 669 also requires the Jail Standards Board to prescribe written rules for jails on the execution of behavioral health jail diversion protocol within the jail. It also requires the uniform crime data analysis system to include admissions to and discharges from the behavioral health jail diversion programs, and allows the Advisory Council to have access to recidivism data. The LB also allows the HHS Division of Behavioral Health Services to have access to the uniform crime data analysis system.

- **LB 670** (Hudkins, Avery, Pedersen) Creates the Council on the Management and Treatment of Sex Offenders. The membership is specified in the bill, and will include a minimum of 14 members. The council's duties include (a) developing standards for eligible sex offender treatment services and programs in which offenders may participate, (b) study sex offender treatment services in the criminal justice and health and human services systems and recommend improvements, (c) study, develop, and implement minimum standards for the development and use of sex offender treatment services, (d) develop and implement a plan for statewide use of sex offender treatment services, and (e) develop a sex offender management and treatment team in each county or group of counties.
- **LB 671** (Pedersen, Cornett, Howard, Synowiecki, 7 others) Merges the Departments of Probation and Parole, i.e. by creating the Office of Probation and Parole Administration within the Department of Correctional Services.
- **LR 11CA** (Flood) This is a constitutional amendment that changes the distribution of state lottery proceeds. Current language allocates 44.5% of the proceeds to the Nebraska Environmental Trust Fund. LR 11CA reduces that allocation to 41.5% and allocates 3% of the proceeds to provide funds to the Crime Commission "for funding grants on the basis of local matching funds for local law enforcement efforts to enforce laws that deal with drug offenses, violent crime, and serious offenders."

The 2006 Annual Report by the Nebraska Lottery says that the annual proceeds from Nebraska's lottery totaled \$27,600,000. Three percent of that amount is \$828,000.

CRIMINAL JUSTICE VIDEO LIBRARY

The following videos have been added to the library and are available for loan:

BINGE DRINKING / FIRST AID FOR A STUPOROUS VICTIM (VHS)

35 Minutes

Color

In the Line of Duty: 1999

AD

This video, aimed at campus law enforcement officers, describes the symptoms of binge drinking and how various colleges are addressing this problem. Some creative approaches are discussed and campus policemen are interviewed. A short segment on how to handle stuporous victims of binge drinking is also included.

DATE RAPE / DATE RAPE DRUGS / CRIME SCENE PRESERVATION (VHS)

30 Minutes

Color

In the Line of Duty: 1999

AD

One study has shown that 25% of female college students have experienced a date rape attempt, but only 3 to 15% of these crimes are reported. This program emphasizes the need for campus police and administrators to develop a protocol on how to handle rape incidents. Other segments of this video discuss date rape drugs (Rohypnol, GHB, and GBL) and their physical effects and how to preserve the crime scene. A few examples of what campus police are doing to address date rape are also included.

VERBAL FIRESTORM TESTS TEXAS DEPUTY (DVD)

28 Minutes

Color

In the Line of Duty: 2006

AD

A police in-car video shows an incident in Texas where a black police officer stops a white woman who is unable to drive safely and fails her sobriety tests. The stop is made in a wealthy suburb of Austin. While the officer is attempting to arrest the suspect, two of her friends approach and direct racially motivated words towards the officer. The two friends are also arrested after backup arrives. On the way to the police station, the woman arrested during the traffic stop also verbally abuses the police officer. Through the entire incident, the officer maintains his poise. Lessons learned include: use your cruiser cam, maintain your focus, learn to manage stress, and when it is time to act, you need to act. Too much negotiation can make the situation even worse.

WHAT WOULD YOU DO? (DVD)

38 Minutes

Color

In the Line of Duty: 2006

AD

This program presents ten short segments on issues that police officers confront almost every day. After each incident is shown, a series of thought provoking questions are asked. In most cases, the answers are not provided. Included is a brawl at a basketball game, a hostage incident, an angry mob, a traffic stop involving a diabetic seizure, a foot pursuit, a traffic pursuit that ends with lethal force, and use of a taser to subdue a suspect. This is an excellent program for basic or refresher training.

WHAT WOULD YOU DO? - POWERPOINT (CD-ROM)

60 Minutes

Color

In the Line of Duty: 2006

AD

This program presents 15 short segments on issues that police officers confront almost every day. After each incident is shown, a series of thought provoking questions are asked. The format is in DVD-ROM, which means the program must be viewed on a personal computer. Each segment is 3 to 5 minutes long, with PowerPoint slide and video segments. The segments can be viewed in any order.

The titles of the segments are: (1) Tim McVeigh, (2) Pit Bull, (3) Baby at knifepoint, (4) Patrol Officer blocks car, (5) Felony stops, (6) Shooting of a homeless man, (7) Five year old child arrested, (8) Officers attacked by mob, (9) Complacency can be deadly, (10) Foot pursuits, (11) Police officer murdered during traffic stop, (12) Off-Duty, (13) Racial Profiling, (14) Tinted windows, (15) Keeping your cool.

JAIL STANDARDS TRAINING CONFERENCE

Sheriffs, jail administrators and corrections and health care professionals are invited to attend the 10th Annual Nebraska Jail Standards/NCAMA/DCS Spring Training Conference to be held April 17-18, 2007, at the Midtown Holiday Inn in Grand Island, Nebraska. Training sessions will begin at 8:00 AM and close at 4:00 PM each day. Registration is free.

Speakers and topics include:

- Diana Severson-Tomek, Nebraska State Penitentiary: ***Legal Challenges for Nurses in Corrections***
- Sharla Rudy, Platte County: ***Medication Verification***
- Teena Lenger, DCS Diagnostic and Evaluation Center: ***Seamless Entry and Exit from County to State and State to County***
- Pam Kaliff and Teresa Smith, Nebraska Correctional Center for Women: ***Mental Health, Substance Abuse, Women's Issues in Jails and Prisons***
- Kim Gerdes, RN, Tecumseh State Correctional Institution: ***Standing Orders***
- Dr. Ross, Lincoln, NE: ***Diabetes***
- Two days of ***JAMIN/VINE*** training
- Nationally known speakers will discuss Suicide Risk Management assessment and Prevention, professionalism and legal issues (to be funded by the National Institute of Corrections).

A number of corrections-related vendors will display their products and services.

Registration material will be sent out in February. For more information on this conference, please contact Jef Sevenker, Denny Macomber or Dan Evans, Jail Standards Division, at 402-471-2194.

COMMUNITY CORRECTIONS COUNCIL

Governor Heineman has filled several positions on the Community Corrections Council. He has reappointed former Speaker of the Legislature, Kermit A. Brashear who currently serves as the Chair of the Council. He has also appointed Alan Smith, PHD and clinical psychologist from Scottsbluff, Nebraska and retired Judge Thomas Dorwart from Sidney, Nebraska.

The next Community Corrections Council meeting will be March 16, 2007, and will be held at the Embassy Suites.

THOUGHT(S) FOR THE DAY

What I Have Learned, from Dick Van Dyke, age 81:

- **Buddhists say** you need three things in life: something to do, something to love, and something to hope for. Isn't that great?
- **In my seventies**, I exercised to stay ambulatory. In my eighties, I exercise to avoid assisted living.
- **For some reason**, as time gets short in life, wasting time escaping through entertainment bothers me. I've been off fiction for years. I don't watch episodic television. I want information or something thought provoking. I'm down to the History Channel and *Jeopardy!*